

Remarks and Arguments:

1. The Examiner noted that full priority claim had not been recited in the application.

The amendment to the specification corrects that deficiency.

2. Support for new claim 18 is found for example at column 8, lines 32-35.

Applicants believe this claim is novel and unobvious over the cited references.

3. Rejection of Claims 1-17 for Obviousness Type Double Patenting

Claims 1-17 were rejected for Obviousness type double patenting over claims 1-17 of U.S. Patent 6,350,384, which arose from a patent filed by Dow Corning Corporation on August 14, 2000. Applicants request withdrawal of this rejection first because Dow Corning Corporation is a distinct and separate entity from the assignee in this case, The Dow Chemical Company. Thus, a double patenting rejection is not appropriate. Moreover, the priority date for this application is September 5, 1997, three years before the filing date of the '384 patent. Thus, the '384 patent is not available as prior art against the present application.

4. Rejection of claims 1 and 8-10 under 35 U.S.C. § 102(b) or 103(a) over Hijikata.

Applicants respectfully traverse this rejection. The present claims are addressed to a metal compound which is substantially insoluble in a solvent complexed with a dendritic polymer which is soluble in the solvent. Hijikata contains no mention or discussion of dendritic polymers. Rather Hijikata's discussion of dendritic structures is addressed to dendritic (as opposed to acicular or other structures) of a crystallized iron. Therefore, since Hijikata does not teach or suggest forming a metal complex with enhanced solubility by complexing a metal compound which is substantially insoluble in a solvent with a dendritic polymer which is soluble in the solvent, Claims 1 and 8-10 are patentable over Hijikata.

5. Rejection of claims 1 and 8-12 under 35 U.S.C. § 103(a) over Hijikata in view of Tomalia.

Applicants respectfully traverse this rejection. The deficiencies of Hijikata are discussed in item 3 above. Tomalia does not overcome these deficiencies. While Tomalia teaches that starburst polymers may have a variety of beneficial uses –

particularly bioactive and medical uses, Tomalia does not teach or disclose forming a metal complex with enhanced solubility by complexing a metal compound which is substantially insoluble in a solvent with a dendritic polymer which is soluble in the solvent. Therefore, claims 1 and 8-12 are patentable over Hijikata in view of Tomalia.

6. Claims 1, 4, 5, and 8-12 are rejected under 35 U.S.C. § 102(b) and 103(a) over Tomalia

The Office Action notes that Tomalia does teach that a metal could be a “carried material” in a dendrimer and that therefore the present claims are unpatentable because Tomalia’s teachings would inherently create the solubility properties recited in the present claims. Applicants respectfully traverse this rejection. As noted in item 5 above Tomalia does not teach or suggest the solubility parameters claimed. Moreover, Tomalia presents a tremendously long list of possible carrier materials only a small portion of which are metals and Tomalia does not teach or suggest using the dendrimer specifically to enhance solubility of the metal compound in a specific solvent. Merely because out of the myriad of materials listed in Tomalia one might have selected items from each list for each component item that when combined might have possessed the properties required by the rejected claims is not sufficient in itself to negate patentability absent something more in the teachings of Tomalia. Therefore, applicants request withdrawal of this basis of rejection.

7. Claims 1 and 8-12 and 15 were rejected under 35 U.S.C. § 102(b) or 103(a) over Newkome

Applicants respectfully traverse this rejection. While Newkome does indicate that metals can be incorporated into his unimolecular micelles and does indicate that the micelles can be made either lipophilic or hydrophilic based on addition of certain functionalities. Newkome does not specifically teach nor does Newkome suggest the benefit that substantially insoluble metal compounds should be complexed with dendritic polymers that are soluble in the solvent. Therefore, Applicants request withdrawal of this basis for rejection.

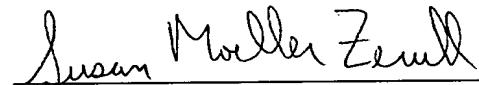
8. Rejections under 35 U.S.C. § 102(a) or 103(a) over Baker

Applicants respectfully traverse this rejection on the grounds that this patent application was filed and published after the 1997 priority date for the present application. Thus, Baker is not available as a reference.

9. Rejections under 35 U.S.C. § 102(a) or 103(a) over Grohnet or Balogh.

Applicants respectfully traverse these rejections on the grounds that these documents published in 2000 well after the 1997 priority date for the present application. Thus, Grohnet and Balogh are not available as references.

Respectfully submitted,



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